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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,261	10/10/2000	William Kenney	06975-029001	4267

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FISH & RICHARDSON P.C.
1425 K STREET, N.W.
11TH FLOOR
WASHINGTON, DC 20005-3500

EXAMINER

LY, ANH VU H

ART UNIT	PAPER NUMBER
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2667

DATE MAILED: 03/22/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/582,261

Applicant(s)

KENNEY, WILLIAM

Examiner

Anh-Vu H Ly

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2667

DETAILED ACTION

Response to Amendment

1. This communication is in response to applicant's amendment filed February 10, 2004. The proposed amendment to the claims has been entered. Claims 1-24 are pending.

Claim Objections

2. Claim 9 is objected to because of the following informalities: in lines 1-2, "wherein the data packet includes request data received at the terminal server from the client computer" is unclear. Examiner believes, the data packet includes request data received at the host terminal from the terminal server instead of received at the terminal sever from the client computer. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Art Unit: 2667

3. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown (US Patent No. 6,195,691).

With respect to claims 1, 11, 15-17, and 22, Brown discloses in Fig. 1 a communications system comprising end user 105 (terminal server, herein, the terminal server is remotely located from the company server, therefore, the terminal server is having a location) coupling to the local ISP for accessing the Internet 20, company server 103 (a host system) and its associated services 103a (a database) for providing (col. 3, lines 30-36) advertisements, locations of local stores, current company catalogs, news, sports, weather and stock quotes, etc...

Brown discloses (col. 4, lines 15-19) that depending upon of end user 105 position within the particular selection criteria, i.e., zip code, size of user's business, etc... This implies that the end user enters the zip code (a terminal server identifier) (receiving at a host system, a terminal server identifier from a terminal server having a location). Further, Brown discloses (col. 3, lines 30-36) that many companies use the web serves to provide advertisements, locations of local stores, current company catalogs, news, sports, weather and stock quotes, etc... Therefore, upon receiving a request from the end user and his/her criteria such as a request for a local weather based on the zip code entered by the user, the company server 103 can search its services 103a for the selected information (querying a database to obtain service data associated with the location of the terminal server based on terminal server identifier) and return the information back to the end user 105 (automatically sending the location specific service data from the host system to the terminal server). Herein, the company server 103 searches its services 103a base on zip code, provided by the end user, and provides the information upon the request such as local weather corresponding to the zip code back to end user 105.

With respect to claims 2 and 14, the limitation “wherein the database includes a first record that associates the terminal server identifier with the location, and querying the database includes determining the location based on the terminal server identifier data from the first record” is inherent to Brown. As stated in the rejections of independent claim 1, the company server returns the local weather back to the end user as the company server receives the zip code, entered, by the end user. This implies that, the database of the company server must include records for correlating the zip codes and its associated localized weather.

With respect to claim 3, the limitation “wherein the database further includes a record that associates the location with service data that is specific to the location, and querying the database further comprises determining the location specific service data based on the determined location” is inherent to Brown. As stated in the rejections of independent claim 1, the company server returns the local weather back to the end user as the company server receives the zip code, entered, by the end user. This implies that, the database of the company server must include records for correlating the zip codes (location) and its associated localized weather (location with service data that is specific to the location).

With respect to claims 4 and 23, Brown discloses in Fig. 1, end user 105 connects to local ISP (establishing a data connection between the terminal server and a client computer). Further, as stated in the above rejections, once the local ISP receives the information from the company server (receiving the location specific service data at the terminal server), the local ISP forwards

Art Unit: 2667

the information to the client (forwarding the location specific service data from the terminal server to the client computer).

With respect to claim 5, Brown discloses in Fig. 1, end user 105 connects to the local ISP before requesting information from the company server (wherein establishing a data connection is carried out prior to receiving the terminal server identifier).

With respect to claim 6, Brown discloses in Fig. 1, end user 105 connects to the local ISP by dialing the local ISP number (wherein establishing a data connection further comprising receiving a dial-up modem connection from a client computer).

With respect to claims 7, 12-13, 18, and 24, Brown discloses in Fig. 2 that when an end user clicks on the button 501, a request message is sent to the company server 103 via the Internet. Herein, it is known in the art that when a message is sent over the Internet such message comprising the source address (the terminal server identifier comprises a network address associated with the terminal server), destination address, and other features such as type of message, CRC, etc... Therefore, when the company server receives the request message, the content of the message will be examined (the interface includes packet processing circuitry to receive a data packet from the terminal server and extract the terminal server identifier from the header region of the data packet).

With respect to claims 8 and 19, Brown discloses in Fig. 2 that when an end user clicks on the button 501, a request message (wherein receiving the terminal server identifier further comprises receiving a data packet from the terminal server, the data packet including the terminal server network address) is sent to the company server 103 via the Internet. Herein, it is known in the art that when a message is sent over the Internet such message comprising the source address, destination address, and other features such as type of message, CRC, etc...

With respect to claims 9 and 20, Brown discloses (col. 4, lines 15-19) that depending upon of end user 105 position within the particular selection criteria (request data identifying an information service) i.e., zip code, size of user's business, etc...

With respect to claims 10 and 21, Brown discloses in Fig. 2 that when an end user clicks on the button 501, a request message is sent to the company server 103 via the Internet. Herein, the request message comprising the request data such as local weather associated with the zip code (wherein querying the database further comprises querying based on the terminal server identifier and the request data). Therefore, upon receiving a request from the end user and his/her criteria such as a request for a local weather based on the zip code entered by the user, the company server 103 can search its services 103a for the selected information (the location specific service data obtained by the query of the database is associated with both the terminal server identifier data and with the service identified by the request data) and return the information back to the end user 105.

Response to Arguments

4. Applicant's arguments filed February 10, 2004 have been fully considered but they are not persuasive.

Applicant argues on page 8 that Brown fails to disclose or suggest querying a database based on the terminal server identifier to obtain service data that is associated with the location of the terminal server.

Examiner respectfully disagrees, as stated in the rejections of independent claims 1, 11, 16, and 22, Brown discloses a communication in Fig. 1 a communications system comprising end user 105, company server 103 and its associated services 103a for providing advertisements, locations of local stores, current company catalogs, news, sports, weather and stock quotes, etc... Further, Brown discloses that depending upon of end user 105 position within the particular selection criteria, i.e., zip code, size of user's business, etc... This implies that the end user enters the zip code (herein, the zip code is considered as the terminal server identifier by the examiner).

Therefore, upon receiving a request from the end user and his/her criteria such as a request for a local weather based on the zip code entered by the user, the company server 103 can search its services 103a for the selected information and return the information back to the end user 105. Herein, the company server 103 searches its services 103a base on zip code, provided by the end user, and provides the information upon the request such as local weather corresponding to the zip code back to end user 105.

Therefore, Brown does disclose and suggest querying a database based on the terminal server identifier to obtain service data that is associated with the location of the terminal server.

Applicant argues on page 9 that Brown fails to disclose a terminal server having a location that is associated in a database with the terminal server identifier and sending location specific service data to the terminal based on the location of the terminal server.

Examiner respectfully disagrees. Applicant should understand that every terminal or computer has a location, such as within a building, within an office, in a home, in a remote area, etc... Therefore, a terminal server having a location is obviously inherent to the terminal server. Further, as stated in the above rejections, the company server searches its database and forwards the location specific service data such as local weather associated with the entered zip code (terminal server identifier) to the end user. Therefore, Brown addresses all the claimed limitations. Further, the location of the terminal server, asserted by applicant, is equivalent to the zip code entered by the end user.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Art Unit: 2667

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H Ly whose telephone number is 703-306-5675. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 703-305-4378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

avl


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 3/18/07